## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA

Heart Mercy Health Care Center (Jackson, MN); Sacred Heart Mercy Health Care Center (Alma, MI); SMP Health System; University of Mary;	ORDER FOR CONSOLIDATION OF CASES
and	)
State of North Dakota,	)
Plaintiffs,	)
vs.	) Case No. 3:16-cv-386
Sylvia Burwell, Secretary of the United States Department of Health and Human Services; and United States Department of Health and Human Services,	) ) ) )
Defendants.	) )
Catholic Benefits Association, Diocese of Fargo, and Catholic Charities North Dakota,	) ) ) )
Plaintiffs, vs.	) Case No. 3:16-cv-432
Sylvia M. Burwell, Secretary of the United States Department of Health and Human Services; United States Department of Health and Human Services; Jenny R. Yang, Chair of the United States Equal Employment Opportunity Commission; and United States Equal Employment Opportunity Commission,	) ) ) ) ) ) ) ) ) ) ) ) ) ) ) )
Defendants.	)

Before the Court are two cases which concern essentially the same dispute over whether

Section 1557 of the Affordable Care Act properly interprets sex discrimination as encompassing

discrimination on the basis of gender identity and termination of pregnancy. In addition, the two

pending cases were both recently filed within the last ninety (90) days. A court may consolidate

cases pursuant to Rule 42 of the Federal Rules of Procedure, which provides in part as follows:

(a) Consolidation. If actions before the court involve a common question of law or

fact, the court may:

(1) join for hearing or trial any or all matters at issue in the actions;

(2) consolidate the actions; or

(3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a). The Court finds it appropriate to consolidate the actions. Both cases concern

common aspects of law and fact, and consolidation will conserve the resources of the parties and

the Court. Accordingly, the Court makes the following **ORDER**:

1) Case No. 3:16-cv-386 and Case No. 3:16-cv-432 shall in all respects be

**CONSOLIDATED**;

2) Case No. 3:16-cv-386 is designated as the lead case;

3) All future filings shall **only be filed in the lead case** (Case No. 3:16-cy-386); and

4) The caption of all future filings shall include the lead case (Case No. 3:16-cv-386),

and may also reference Case No. 3:16-cv-432.

IT IS SO ORDERED.

Dated this 23rd day of January, 2017.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge

United States District Court

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